

REMARKS

This amendment is in response to the first Office action (Paper No. 6) mailed 24 December 2003. Upon entry of this amendment, Claims 1, 3, 4 and 7-20 will be pending. Applicant has canceled claims 2, 5 and 6 without prejudice or disclaimer of their subject matter, amended claims 1, 3, 4, 7, 8, 9 and 13, and added new claims 19 and 20 by this amendment.

In paragraph 1 of Paper No. 6, the Examiner objected to page 12, line 1 for allegedly making reference to a reference numeral that is not in the drawings. Applicant has amended paragraph 0040 by this amendment so that "150" now reads --S150-- to overcome this objection.

In paragraph 2 of Paper No. 6, the Examiner has objected to the drawings because reference numerals 120, 266, 301, 302, S170, S180 and S190 are not mentioned in the specification.

Regarding reference numeral 120, Applicant submits that reference numeral 120 is recited in paragraph 0037 or page 11, line 2 of the originally filed specification. Therefore, Applicant traverses this objection regarding reference numeral 120.

Regarding reference numerals 266, 301, 302, S170, S180 and S190, Applicant has amended the specification by this amendment so that the specification now refers to each of these reference numerals.

In paragraph 3 of Paper No. 6, the Examiner has objected to the specification. Applicant has amended paragraph 0030 by this amendment to overcome this objection.

In paragraph 4 of Paper No. 6, the Examiner has objected to claim 13 because of a typographical error. Applicant has amended claim 13 by this amendment to replace “sais” with --said-- to overcome this objection.

In paragraphs 5 through 13 of Paper No. 6, the Examiner has rejected claims 1-12 under 35 U.S.C. 112, second paragraph. Applicant has amended claims 1-9 by this amendment making this rejection to claims 1-9 moot.

Regarding claim 10, the Examiner deemed, in paragraph 13, that “said remote control device” in line 7 lacks antecedent basis. Applicant disagrees. Applicant submits that “said remote control device” of line 7 refers to “one of said plurality of remote controllers” found on lines 2, 3 and 5 of Applicant’s claim 10. Applicant submits that this is a shorter way to describe this one remote controller. Applicant submits that there is no confusion as a result. Applicant also submits that “said remote controller” is replete throughout claims 10, 11 and 12 and to be required to replace each instance of “said remote controller” with “said one of said plurality of remote controllers” would result in awkward claim language which Applicant chooses to avoid, especially when there is no chance of confusion as in this case. Therefore, Applicant traverses the 35 U.S.C. 112, second paragraph rejection of claims 10-12 for the above reasons.

In Paragraph 15 of Paper No. 6, the Examiner rejected claims 1-9 and 13-15 under 35 U.S.C. 102 (b) using U.S. Patent No. 5,198,806 to Lord. Applicant has the following comments:

Lord '806 pertains to a remote control that is used to turn on and off a computer at a distant location. The remote control uses a telephone line and modem to connect to the computer.

Regarding claims 13-15, Applicant essentially claims the layers and the major components as illustrated in FIG. 5 of Applicant's invention. Applicant claims a hardware layer, a BIOS layer, a shell program, a GPIO, a remote control signal receiver, an operating system layer, the application layer and their interrelationships with each other. In Paper No. 6, the Examiner never examines any of these limitations of Applicant's claims 13-15. The Examiner never mentions the constituent components of Applicant's claims 13-15, never addresses where or how these components are taught by Lord '806. Applicant submits that the Examiner has never examined claims 13-15 in Paper No. 6, making Paper No. 6 an incomplete Office action in violation of 37 C.F.R. 1.104 (b). Furthermore, Applicant submits that none of the prior art teaches the components of claims 13-15 or their interrelationships to each other.

Regarding claims 1-9, Applicant, by this amendment, has amended claims 1-9 making their rejections moot. Nevertheless, Applicant still objects to the statements made by the Examiner regarding Applicant's originally filed claims 1-9 vis-a-vis Lord '806:

Regarding original claims 8 and 9, Applicant claims that the computer goes from a stand-by state to a normal state upon password security verification. In Paper No. 6, the Examiner again does not examine this feature. Applicant submits that Lord '806 pertains only to powering on or off a computer. Unlike Lord '806, Applicant's invention pertains to taking a computer in a stand-by state and converting it to a normal state. Applicant submits that stand-by state is a reduced power state but is not the same as power off. Applicant submits that Lord '806 does not teach a stand-by state of the computer thus making these claims 8 and 9, in original form patentable.

In Paper No. 6, the Examiner states that Lord '806, at column 2, lines 35 - 39 teaches a power saving mode. Applicant disagrees. Applicant submits that this section of Lord '806 states, "It is yet another object to control and reduce the time unused remote computer equipment is left powered up and not used thereby increasing the systems life, reduce electrical consumption and protect the system from power surges." Applicant submits that there is nothing in the above quote that infers in any way a stand-by mode or a stand-by state where there is reduced but not zero power consumption. Applicant submits that saving power does not infer Applicant's claimed reduced power standby state.

In paragraphs 16 and 17, the Examiner has rejected claims 16-18 under 35 U.S.C. 103 (a) as being unpatentable over pages 167-168 of Windows 95 for Dummies to Rathbone in view of U.S. Patent No. 4,754,268 to Mori. Applicant traverses this rejection.

Mori '268 pertains to a wireless mouse. Mori '268 does not pertain to security passwords. Rathbone discusses the screen saver feature. Rathbone teaches how to activate a screen saver and how to customize the screen saver features in a Windows 95 operating system. One customizable feature is that there is password protection in the screen saver. When set and when the screen saver is being displayed, the user can get back to desktop by either 1) typing in the password or 2) resetting the computer. Rathbone does not pertain to remote control and does not pertain to wireless remote control.

In paragraph 17 of Paper No. 6, the Examiner states that page 167 of Rathbone teaches a screen saver that is revived if a signal from a mouse is received. Applicant submits that page 167 of Rathbone does not teach this feature.

In paragraph 17 of Paper No. 6, the Examiner states that "and only works if sent data matches corresponding data in the computer". Applicant is assuming that the Examiner is referring to the password feature of page 168 of Rathbone where a user must type in a password or reset the computer to return from a screen saver to desktop. However, Applicant disagrees that this typed in password is from a mouse as suggested by the Examiner in Paper No. 6. Applicant submits that password input in Rathbone is from a wireline keyboard instead. Therefore, Applicant both disagrees with the statements made by the Examiner in Paper No. 6 regarding the Rathbone reference and also submits that the Examiner's statements in Paper No. 6 regarding Rathbone are vague and incorrect. If it is the password feature on page 168 of Rathbone that the Examiner is relying on in

Paper No. 6, the Examiner should come out and say so and cite page 168, and not be vague and coy as the Examiner was regarding the rejection of claims 16-18 in Paper No. 6.

Then, in the rejection of claims 16-18 in Paper No. 6, the Examiner asserts that “Mori discloses a wireless mouse (column 1, lines 48-54) that sends a frequency that only operates computers with matching frequency (column 1 lines 58- column 2 line 7). Applicant disagrees. Applicant submits that these passages of Mori ‘268 along with the entire reference to Mori ‘268 never teaches that the frequencies must match. Further, Applicant submits that Mori ‘268 never suggests any frequency matching security feature. Applicant submits that there is no security feature, no password feature, no requirement that frequencies must match in Mori ‘268. Applicant submits that the Examiner is merely making these statements in Paper No. 6 to improperly justify the rejection of claims 16-18.

Lastly, the Examiner, in paragraph 17 of Paper No. 6 states, “It would have been obvious to one of ordinary skill in the art to combine Mori’s wireless mouse in Rathbone’s description of Microsoft Windows 95, for Mori’s stated motivation to make the mouse more convenient to use (column 1 lines 20-47). Applicant disagrees. Applicant submits that there is no motivation to combine the wireless mouse of Mori ‘268 with Rathbone’s screen saver feature. This is because there is no teaching in Rathbone that the screen saver feature in Rathbone could or should be used in conjunction with a wireless mouse. Further, there is no teaching in Mori ‘268 that the wireless mouse should or could be used as a security device to activate a computer. Therefore, Applicant

submits that there is a lack of motivation in Mori '268, in Rathbone and in Paper No. 6 to combine Mori '268 with Rathbone. Therefore, the rejection to claims 16-18 must be withdrawn.

Applicant has amended claims 1, 3, 4 and 7-9 and newly added claims 19 and 20 to further emphasize features not taught by the prior art. These features include that the remote controller is wireless, decision step S150 in Applicant's FIG. 7 and the respective outcomes, steps S160, S200, S170, S180 and S190. Entry of, and favorable examination of these claims is respectfully requested.

No fees are incurred by the filing of this amendment.

In view of the above, all claims are deemed to be allowable and this application is believed to be in condition to be passed to issue. Reconsideration of the rejections and objections is requested. Should any questions remain unresolved, the Examiner is requested to telephone Applicant's attorney.

Respectfully submitted,



Robert E. Bushnell,
Attorney for the Applicant
Registration No.: 27,774

1522 "K" Street N.W., Suite 300
Washington, D.C. 20005
(202) 408-9040
Folio: P56295
Date: 3/23/04
I.D.: REB/ML